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June 20, 2006

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Portals II, Filing Center, TW-A325  
Washington, D.C. 20554

**Re: South Dakota Board of Directors for  
Educational Telecommunications (FRN 0002-4043-58)  
Station KUSD-DT, Vermillion SD Facility. ID #61072  
Request for Waiver of the Replication/Maximization  
Interference Protection Deadline**

Dear Ms. Dortch

For good cause shown, in accordance with the procedures set forth in *Public Notice, DA-06-1255 (DTV Channel Election Issues)*, released June 14, 2006, this letter respectfully requests, on behalf of our client, the South Dakota Board of Directors for Educational Telecommunications ("SDBD"), licensee of Station KUSD-TV, Vermillion, South Dakota, a six-month waiver of the July 1, 2006 replication/maximization interference protection deadline established by the Commission in Paragraph 78 of the *Second DTV Periodic Review Report and Order*, 19 FCC Rcd 18279 (2004).

The grounds for this waiver request are severe financial constraints and construction delay circumstances that are clearly beyond SDBD's control. As SDBD will now demonstrate, it is expected that KUSD-DT will be able to satisfy its Paragraph 78 requirement within 90 days after July 1, 2006 by filing a license modification application for facilities currently being upgraded that will provide service to at least 80% of the number of viewers served by KUSD-TV's 1997 analog facilities. However, out of abundance of caution, a full six-month waiver of the deadline is being requested.

The construction permit in question (Permit File No. BPEDT-20050719AAN) was granted on September 6, 2005. As stated in Exhibit 1 of that application, the reason for proposing to increase KUSD-DT's ERP to 236 kilowatts was specifically to comply with the 80% replication requirement of Paragraph 78. As a noncommercial educational station licensed to the State of South Dakota, sufficient funding for digital television was difficult to obtain from the State Legislature, especially since it had to be enough to build SDBD's nine DTV stations. SDBD did get an initial appropriation in 2003-04, but a portion of it was rescinded before it could be spent. Fortunately, the Corporation for Public Broadcasting ("CPB") granted enough additional funding for KUSD-DT to construct a low powered station (27 kilowatts), which replicates only about 55% of KUSD-TV's 1997 population. That facility was licensed by the Commission in September 2004 (License File No. BLEDT-20040707AAP).

KUSD's initial plan was to operate in a low-power mode until the cessation of analog broadcasting. When the Commission published Paragraph 78 in August 2004, SDBD did not have funding to provide for the necessary power increase to reach 80% replication by July 1, 2006. State funding for the project was not an option, either. However, KUSD-TV applied for funding from CPB's Digital Distribution Fund in early 2005. In Fall 2005, CPB awarded KUSD-DT funds from that program. KUSD-DT quickly prepared specifications for competitive bidding through the State procurement office and submitted them. They were published, opened, and subsequently awarded. Purchase orders were sent to the vendors, and KUSD-DT received delivery of its new antenna and transmission line in late Spring 2006. The vendor's field technicians completed the transmitter upgrade in early June 2006. KUSD-DT's new antenna has been delivered, but the tower contractor has not accomplished installation, due to other commitments. Antenna installation is scheduled for completion this Summer.

Thus, as SDBD has shown above, it has been diligently working to upgrade KUSD-DT's facilities since early 2005. Its financial and technical requests to CPB and the Commission were granted in Fall 2005, and KUSD-DT then proceeded expeditiously to obtain the necessary transmitter upgrade, new antenna, and other equipment through the State's procurement process. Just about everything has been received and installed, except for the tower mounts and other accessories that will be necessary to install the antenna. SDBD's inability to complete the implementation of its construction permit and file a license application by July 1 is clearly due to circumstances beyond its control. Accordingly, SDBD respectfully requests the Commission's understanding and indulgence and a six-month waiver of the July 1 compliance date. SDBD fully expects to file its license application well before the proposed January 1, 2007 extended deadline.

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Please direct any communications or correspondence concerning this matter to the undersigned.

Sincerely

*Jerold L. Jacobs*

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Counsel for South Dakota Board of  
Directors  
for Educational Telecommunications

cc: Shaun Maher, Esq. (FCC - via e-mail)